

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**RESTRICTED SPENDING SOLUTIONS,
LLC,**

Plaintiff,

v.

**ALLOW CARD OF AMERICA, INC.;
PALM DESERT INVESTMENTS;
WACHOVIA CORP.; PNC FINANCIAL
SERVICES GROUP, INC.; PAYJR, INC.,
CARDLAB, INC.; THE BANCORP INC.;
DISCOVER FINANCIAL SERVICES;
DISCOVER BANK; BANK OF AMERICA
CORP.; COMMERCE BANCSHARES,
INC.; UMB FINANCIAL CORP.; FIFTH
THIRD BANCORP; MASTERCARD
INTERNATIONAL, INC.; VISA U.S.A.
INC.; U.S. BANCORP,**

Defendants.

Case No. 1:09-cv-03785-RRP-NRN

Judge Rebecca R. Pallmeyer

DECLARATION OF ANDREW LEIBNITZ IN SUPPORT OF DEFENDANTS' MOTION

FOR SUMMARY JUDGMENT OF INVALIDITY OF PLAINTIFF'S U.S. PATENT NO.

6,044,360 IN VIEW OF VISA'S U.S. PATENT NO. 5,500,513

I, Andrew Leibnitz, declare as follows:

1. I am a partner of Farella Braun + Martel LLP, attorneys for the Defendants Visa U.S.A. Inc., Wachovia Corporation, and Commerce Bancshares, Inc. I have first-hand knowledge of the matters stated herein, and if called as a witness, I could and would testify as to the same.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of the deposition of Lewis Mandell, Ph.D., taken on April 30, 2010.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed this 21st day of May, 2010 in San Francisco, California.

/s/
Andrew Leibnitz

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing instrument via the Court's CM/ECF filing system.

/s/ Andrew Leibnitz